

REMARKS

35 U.S.C. § 112 Rejections

The Examiner has rejected claim 8 under 35 U.S.C. § 112, second paragraph, as being indefinite because there is no antecedent basis for “the current collector” in line 10. Applicant has amended the claim so that it reads “a current collector”.

The Examiner also states that the phrase “such as” renders the claim indefinite. Applicant has amended “such as” to “comprising”.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claim 8 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 102 Rejections

The Examiner rejected claims 8, 14-16 and 20 under 35 U.S.C. § 102(e) as being anticipated by Dasgupta, et al. (U.S. Patent Publication No.: 2003/0152835, hereinafter “Dasgupta”). This includes independent claim 8. Applicant submits that claim 8, as amended, is not anticipated by Dasgupta.

It appears from paragraph 1 on page 3 of the Office Action that the Examiner did not give patentable weight to “sulfur or metal nanoparticles” because of reasons stated under the heading 35 U.S.C. § 112 Rejections. By the amendment to overcome the rejections under 35 U.S.C. § 112, Applicant submits that “sulfur or metal nanoparticles” should be given patentable weight.

Dasgupta only reveals an anode for a lithium battery having a conductive substrate coated with a pressed compact of spherical graphite and ion polymeric conductive binder, and the only binder that is used in examples 1, 2 and 3 of Dasgupta is an ionically conductive polytvinylidene fluoride binder. Dasgupta thus does not disclose or suggest the process of the present invention for preparing a carbon nanotube or a carbon nanofiber electrode by using “sulfur or metal nanoparticles”.

Claim 8 should thus be allowable because claim 8 includes at least one limitation that is not suggested by Dasgupta. Claims 9-16 and 20 depend from claim 8 and should be allowable for at least the same reasons as claim 8.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 8-16 and 20 under 35 U.S.C. § 102(e) as being anticipated by Dasgupta.

#### 35 U.S.C. § 103 Rejections

The Examiner rejected claims 9-13 under 35 U.S.C. § 103(a) as being unpatentable over Dasgupta. These claims depend from claim 8 and should be allowable for at least the same reasons as claim 8.

Applicant, accordingly, respectfully requests withdrawal of the rejections of these claims under 35 U.S.C. § 103(a) as being unpatentable over Dasgupta.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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Art Unit: 1745